IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.MMO Nos. 74 and 75 of 2006

Date of Decision: 22nd November, 2006

Cr.MMO No.74 of 2006	
Om Parkash Goel	Petitioner
Versus	
Jyoti Parkash and others	Respondents
Cr.MMO No.75 of 2006	
Showet Kumar Joshi and others	Petitioners
Versus	
Jyoti Prakash and another	Respondents

Coram

The Hon'ble Mr. Justice V.K.Gupta, C.J.

Whether approved for reporting[1]?

For the petitioners: Mr.Ashutosh Burathoki, Advocate.

For the respondent No.1: Mr.Digvijay Singh, Advocate.

V.K.Gupta, C.J. (Oral)

By this common order both the petitions are being disposed of together.

The subject matter of these two petitions filed under Section 482, Cr.P.C. read with Article 227 of the Constitution of India is a Criminal Complaint filed by respondent No.1 Jyoti Prakash against the petitioners and some others under Section 500, IPC. A bare perusal of the complaint indicates that the complaint is based upon the publication of two news items, one in Amar Ujala of 17th November, 2000 and the other in Divya Himachal of 18th November, 2000. The grievance of the complainant in the complaint is that by the publication of the aforesaid two

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[1] Whether the reporters of Local Papers are allowed to see the Judgment?

news items the complainant has been defamed and his image has been lowered in the estimation of the public at large.

In so far as the first news item published in Amar Ujala is concerned, I have very carefully gone through the contents of this news item and find that even though it talks of the Union leaders having demanded the transfer of a plumber, a driver and a Senior Assistant, no name finds any mention in this news item. In the second news item there is a mention of the name of respondent No.1 apart from other persons, but no allegation has been levelled therein against respondent No.1. Both the news item, therefore, can be and should be de-linked from each other and after thus de-linking these two news items in neither of these can it be said that respondent No.1 has been defamed or there is any defamatory material or allegation against him.

The complaint on the face of it does not reveal the commission of an offence. Since the two news items are a part of the complaint the reading of these two news items suggests that no defamatory allegation has been made against the complainant/ respondent No.1. On this short ground alone, the proceedings in the complaint deserve to be quashed.

For the foregoing reasons, both the petitions are allowed. The proceedings in the complaint in question against the petitioners in the two petitions are quashed and set aside with all the consequences.

22nd November, 2006 (V.K.Gupta), C.J.

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